
PDF PAGE 1, COLUMN 4

**FRANK'S ATTORNEYS
ASK**

**FOR RE-HEARING
OF CASE**

PDF PAGE 1, COLUMN 6

**MOTION
TO**

BE FILED IN COURT SOON

Move for Rehearing Has
Been Prepared and
Will Be

Filed Within Next 24
Hours,

William J. Burns,
Famous

Detective, Now
Interested in

Case, Says He Is
Seeking

The Truth in the
Mystery

A motion for a re-hearing of the Leo M. Frank case, which on Tuesday rendered a decision sustaining the verdict of guilty in the superior court, will be filed by attorneys for the defense, probably in the next 24 hours.

Following a careful reading of the court's opinion, Attorneys Luther Z. Rosser and Reuben R. Arnold commenced the preparation of the motion, which will be filed just as soon as the stenographic record can be completed.

The indications were late Thursday afternoon that the motion would not be ready for filing until Friday, although every effort is being made to complete it as rapidly as possible.

As to the various grounds on which the motion for a rehearing will be based, the attorneys for Frank have nothing to say.

WHAT MOTION MEANS.

A motion for a rehearing of a case before the supreme court is submitted in written form, and it is not customary that there should be any oral argument on the motion.

The written motion for a new trial, which must be filed with the clerk of the supreme court before the remitter has been sent to the lower court, must set out, according to the rules, that the court in its opinion has overlooked some essential part of the record or that it has overlooked some former decision,

which contradicts some decision in the case on trial.

After the written motion has been filed the remitter, ordering the superior court to make the judgement of the supreme court its judgement, is held until the decision of the supreme court on the motion is made.

In the history of the supreme court, according to well known lawyers, only about half a dozen motions for a rehearing have been granted. When such a motion is granted, the case is argued and submitted to the court in just the same manner as a new case.

ONLY FEW CASES.

While the supreme court has granted motions for a rehearing in only a few cases, a number of such motions have been granted by the court of appeals, which on more than one occasion, after hearing the case a second time, has reversed its former decision.

An answer to a motion for a rehearing is not filed by the opposing side, in this instance the state and the supreme court considers the motion as an ex parte matter.

If the court, however, is favorably impressed with the motion, it issues a rule nisi, requiring the state on a certain date to show cause why the motion for a rehearing should not be granted. Then after hearing from both sides the motion is acted upon. As a rule, however, the court passes its decision without asking the opposing side to make any showing.

While it takes a unanimous decision of the supreme court to reverse its own decision, a case in which the remittitur has not been sent to the superior court, is still considered in a

(Continued on Page Two, Column 3.)

PDF PAGE 2, COLUMN 3

**TO ASK HIGH
COURT**

**TO REOPEN
FRANK'S**

CASE AT EARLY DATE

(Continued from Page One.)

technical sense to be “in the bosom of the court” and the majority rules.

“I feel sure the supreme court will not grant a rehearing,” Solicitor Dorsey was quoted as commenting on the report that the motion would be filed. “It looks to me like a hopeless case.”

The solicitor said he probably would receive no official notification of the motion, unless it is granted.

BURNS ENTERS CASE.

The entrance of William J. Burns, the famous detective, into the Mary Phagan case was first announced by The Journal Wednesday afternoon, and news of the fact has been accepted as one of the most interesting developments that could follow the supreme court’s refusal to grant a new trial to Leo M. Frank, convicted of the murder. The extent to which Mr. Burns will go is uncertain yet, but that he will make a careful preliminary study of the evidence is admitted by himself. He intimates that this is at the instance of friends of the condemned man.

Frank’s lawyers deny any knowledge of the plans of the detective. Mr. Burns himself states that he has not been engaged by them. Solicitor Dorsey declined to comment on Burns’ entrances into the case, Mr. Burns declares that he does not anticipate opposition from the solicitor or the detectives who already have worked on the case.

SEEKS THE TRUTH.

Mr. Burns told The Journal that he will summon from New Orleans Dan Lehon, his superintendent in charge of Burns agencies in the south, and with Mr. Lehon will look over the points of the case and see if any appears to be lacking.

"I shall seek the truth," said Mr. Burns. "I shall need to start at the very beginning and by process of elimination arrive at a conclusion. I have several lecture engagements to fill, and when I have completed those I will give my time to this case."

"What are believed to be mysteries are invariably solvable if common sense is applied," said Mr. Burns in his lecture at the Baptist Tabernacle Wednesday night. "Crime perpetrators always leave some clue in their wake."

Burns left Atlanta Wednesday night for Jacksonville to fill a lecture engagement.

C. E. Sears, manager of the local office of the Burns detective agency, said Thursday morning that he believed it would be about March 1 before Mr. Burns can return to Atlanta to take up the investigation.

"In the meantime, I get the loose ends of the case together, so as to have all that ready for him when he gets ready to start," said Mr. Sears.